



ATTORNEY DOCKET NO. 14028.0290US

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\$ 1644  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
NEVILLE et al.	)	Art Unit: 1644
	)	
Application No. 09/389,565	)	Examiner: Ewoldt, Gerald R.
	)	
Filing Date: September 3, 1999	)	Confirmation No. 5574
	)	
For: AN IMMUNOTYOXIN WITH IN VIVO	)	
T CELL SUPPRESSANT ACTIVITY AND	)	
METHODS OF USE	)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. §1.191 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 16, 2004 finally rejecting claims 30-33, 38, and 39.

The item(s) checked below are appropriate:

1. ☒ An extension of time to respond to the final rejection:  
(a) ☐ was obtained for \_\_\_\_\_ month(s).  
(b) ☒ is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of \$750.00 for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

06/21/2004 WABDELRI 00000105 09389565 330.00 DP  
01 FC:1401

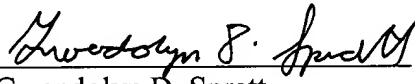
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APPLICATION NO. 09/389,565

- ☒ Appeal fee amount pursuant to 37 C.F.R. §1.191 and 37 C.F.R. §1.17(b) = \$330.00.
- ☒ Extension of time fee amount pursuant to 37 C.F.R. § 1.17(a)(2) = \$420.00 for two-month extension of time fee.
- (a) ☒ enclosed.

This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

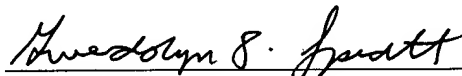
NEEDLE & ROSENBERG, P.C.

  
Gwendolyn D. Spratt  
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
Gwendolyn D. Spratt

6-16-04  
Date